(5)

SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION (S) NO. 7236 OF 2006

PETITIONER :

Bhagwan Das Jharia, S/o S.L. Jharia, Aged about 49 years, Presently posted and working as Assistant Manager, Commerce and Industries, Directorate of Commerce and Industries, Chhattisgarh, Raipur (CG).

Versus

RESPONDENTS :

1. Union of India, Through Secretary, Department of Personnel Training and Public Grievances, Pension, Khan Market, New Delhi.
2. State of Chhattisgarh, Through Secretary, Department of Commerce and Industries, D.K.S. Bhawan, Mantralaya, Raipur (CG).
3. State of Madhya Pradesh, Through Secretary, Department of Commerce and Industries, Vallabh Bhawan, Bhopal (MP).
4. Secretary, Deptt. of General Administration, Government of Chhattisgarh, Raipur (CG).
5. Director, Commerce and Industries, Directorate of Commerce and Industries, Chhattisgarh, Raipur (CG).
6. Collector, Raipur (CG).
7. Tehsildar, Raipur (CG).

P.R. No. 7343/06 Presented by Vasundhara Bajaj 13/12/06

RECEIVED-COPY 13/12/06 CLERK to A. G. BILASPUR

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(37)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.7236 OF 2006

Petitioner : Bhagwan Das Jharia

Versus

Respondents : Union of India and others

Present : Mr. B.D.Guru, counsel for the petitioner.
Mr. Arun Sao, Government Advocate for respondents No.2 and 4 to 7.

ORDER

(Passed on 3rd Day of January, 2007)

The petitioner was appointed as Industry Inspector on 25-1-1984 and was posted in Jashpur District of the undivided State of Madhya Pradesh. According to the petitioner, the petitioner is a member of Scheduled Caste and as such entitled to benefit of reservation.

2. The petitioner, being aggrieved by allocation of his services to the State of Chhattisgarh, filed an application being Original Application No.4077 of 2002 before the State Administrative Tribunal at Jabalpur. On dissolution of the State Administrative Tribunal, the said application was transferred to the High Court of Judicature at Jabalpur

(Madhya Pradesh) and was renumbered as Writ Petition No.21116 of 2003. The writ petition was disposed of by order dated 15-9-2003 (Annexure P-2). The High Court of Judicature at Jabalpur (Madhya Pradesh), after having considered the case of the petitioner in detail, without expressing any opinion on merits, held that it was for the Central Government to consider allocation of the petitioner. Accordingly, a representation was made by the petitioner to the Central Government. The Central Government, by order dated 25-1-2005 (Annexure P-3), rejected the representation of the petitioner challenging the allocation to the State of Chhattisgarh.

3. The petitioner has filed this petition seeking the same relief to the effect that the respondents – authorities be directed to allocate the services of the petitioner to the State of Madhya Pradesh, which has already been considered by the High Court of Judicature at Jabalpur (Madhya Pradesh) in Writ Petition No.21116 of 2003. Once the same dispute has been considered and decided by one High Court, other High Court should not entertain the petition for adjudication of the same dispute.

4. In the present petition, the relief is the same but the ground raised herein is different that the petitioner is not getting benefit of reservation.

5. Be that as it may, the relief claimed by the petitioner in this petition, as sought for in the petition before the High Court of

Judicature at Jabalpur (Madhya Pradesh), is one and the same. Thus, this petition is not maintainable on principles of public policy.

6. The petition is accordingly dismissed summarily. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal